

BEDFORD TEACHERS ASSOCIATION, NEA-NH	:	
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Complainant	:	CASE NO. T-0216:1
v.	:	
	:	
BEDFORD SCHOOL DISTRICT	:	DECISION NO. 83-51
	:	
	:	
Respondent	:	

APPEARANCES

Representing Bedford Teachers Association, NEA-NH

Stephen Guberman, Uni Serv Director, Region IV

Representing Bedford School District

Alan Hall, Esq., Counsel

Also in Attendance

Arnold MacDonald  
Ken Taylor, Jr.

Anne Richmond  
Lois Ferreira

Tony Buteau

BACKGROUND

On October 5, 1983, the Bedford Teachers Association, NEA-NH, filed a petition for modification of bargaining unit in which they asked for the inclusion of nurses, guidance counselors and reading specialists in the bargaining unit. The parties had agreed to include the guidance counselors and reading specialists but not the nurses. The Teachers Association argued that the nurses functions had changed since the unit was formed so that the nurses were the same in functions as other teachers and should be in the unit.

The School Board objected to including nurses since the contract (July 1, 1982 to June 30, 1984) covered only those employees who are certified (nurses do not need to be certified) and further that recent PELRB decisions effecting the Merrimack School District would place the nurses in the support staff unit in Bedford, (as in Merrimack) and not with the teachers.

A hearing was held in the PELRB Office in Concord on May 10, 1983 with all parties represented. (And continued on June 16, 1983).

FINDINGS OF FACT AND RULINGS OF LAW

The Bedford Teachers Association and the Bedford School Board submitted an "agreed statement of facts" establishing that teachers and nurses were treated differently with respect to certification, contracts, college degree requirements, regular teaching assignments, staff development requirements, evaluation and required treatment under law.

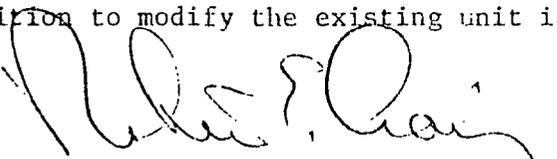
At hearing, the School Board reiterated its argument: that the nurses are not part of this grandfathered unit since they are not certified; further that the contract ("savings and separability" clause) prohibits the modification of the contract except by mutual consent; (the contract does not expire until 1984); and, further that there is no community of interest between teachers and nurses.

The Bedford Teachers Association argued that PELRB could change a grandfathered unit, as per changes in RSA 273-A (1977); that PELRB has the authority to determine the appropriate bargaining unit; that there does exist a community of interest among teachers and nurses.

Testimony was received and established that nurses and teachers were not identical with respect to their teaching assignments and educational requirements; that librarians and guidance counselors are "professional" yet do not regularly teach in classroom; nurses do work closely with teachers at times and may feel as "professional" as others but nurses are not paid same as the teachers nor do they have the same benefits. Further testimony established different "primary responsibilities" of nurses and teachers.

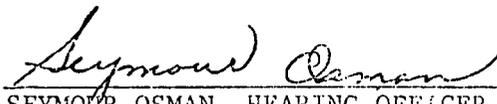
DECISION

That sufficient differences between the "certified staff" and nurses having been demonstrated, the petition to modify the existing unit is hereby denied.



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ROBERT E. CRAIG, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD



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SEYMOUR OSMAN, HEARING OFFICER

Signed this 7th day of November, 1983